

Agricultural Advisory Committee
February 19, 2013

Attendees: Linda Lewis, Debbie Benson, Woody Woodruff, Jane Evans, Drew Stabler, Charlotte Ruppert, Tim McGrath, David Weitzer, Robert Beall, Patrick Brown, Paula Linthicum, Eddie Kuhlman

Staff: Callum Murray, Jeremy Criss

The meeting was called to order at 7:04PM.

Introductions

With no new members or guests present, introductions were not necessary.

Approval of AAC Minutes from January 15, 2013

After making several minor changes, the minutes were approved as corrected. (*Stabler, Lewis*)

2012 Annual Report for the AAC-Orientation of new AAC members

It was suggested that a map of the Agricultural Reserve be included in the annual report to help orient new members.

Update on MNCPPC Zoning Rewrite Process– Planning Board Work Sessions on Remaining Issues

On March 22nd, the Montgomery County Planning Housing and Economic Development-PHED Committee will discuss all outstanding issues surrounding the Zoning Rewrite – including those of the agricultural community. Mr. Criss and other AAC members plan to attend. In the event that Mr. Criss is not able to attend, Jane Seigler will be present to represent the agricultural community and the AAC.

Related Tree Bills-Follow up from the January 28, 2013 T&E Committee Work Session and the Meeting with Council Member Roger Berliner on February 6, 2013

The AAC followed up on the progression of three Bills that are relevant to the agricultural community:

Bill 41-12 Streets and Roads

This bill, governing tree trimming near public roads, power lines and utilities, is being amended to address concerns from several communities. Council Member Nancy Floreen's suggestion to differentiate tree trimming policies between up-county and down-county regions was reflected in an amendment. In accordance with the AAC's wishes, the amendment would attempt to exempt the Agricultural Reserve from the stricter tree-trimming policies set forth in the Bill. Should the amendment be included in the bill, tree trimming in the Agricultural Reserve will continue to be governed by the 2009 State DNR Roadside Bill.

During the Feb. 6 meeting with Councilmember Berliner, staff members inquired whether the amended Bill is considered satisfactory for the agricultural community. Following the update on the Bill 41-21, discussion ensued. Mr. Stabler had questions regarding the Rustic Roads Program and how the new bill would affect that program. Mr. Criss responded that the bill would not affect the Rustic Roads Program and all work

needing to be done on rustic roads still must be brought to the Rustic Roads Committee for the necessary reviews and recommendations to the Department of Transportation - DOT. The proposed fine for cutting trees along rustic roads without a Department of Permitting Services-DPS permit continues to be \$1000. Mr. Criss said the bill was not meant to prevent normal property maintenance.

AAC committee members suggested taking a more proactive approach in preventing the interference of trees with power lines and utilities. It was noted that tree trimming issues could be avoided if new projects were planned and designed with nearby power lines and utilities in mind. Shorter growing species of trees may be more appropriate for areas near power lines/utilities. Mr. Woodruff suggested a letter be written to the Planning Board (with a copy sent to the Department of Transportation) expressing the need for more oversight in the design/planning process to ensure that trees being planted now, will not interfere with utilities as they grow and mature. Mr. Criss agreed to draft a letter and bring a copy to the next AAC meeting. Mr. Woodruff agreed to provide photos of the new trees on Skylark Drive that were recently planted underneath power lines as supporting evidence.

Bill 35-12 Tree Canopy Conservation

This bill, proposed by the Department of Environmental Protection-DEP presents an issue for the agricultural community because the Bill does not specifically exempt agricultural uses and activities. The way DEP staff presented the intent of the Bill to the County Council suggests that it would not impact agricultural areas. However, the text of the Bill references no exemption for the agricultural community. Mr. Criss suggested that an exemption be included in the text of the bill and suggested members of the AAC attend the next work session on February 25th at 9:30AM to address this issue.

Expedited Bill 1-13 Erosion and Sediment Control

Mr. Criss presented a letter addressed to Council President Nancy Navarro. The letter, sent to all council members on Feb. 5, 2013, outlined an agricultural issue with Bill 1-13. Bill 1-13 exempts "agricultural land management practices" from application; however, logging or timber removal and wholesale or retail nursery operation are not mentioned in the definition of an acceptable "land management practice" and thus are not exempt. The AAC believes logging and timber removal and wholesale or retail nurseries should be included in the definition of an agricultural land management practice even though an Erosion and Sediment Control Plan is needed for these activities.

Discussion regarding the Erosion and Sediment Control Bill followed. Mr. Woodruff explained that the general public needs to be educated on the positive implications that timbering has. Cutting down trees can be done in an environmentally sensitive and beneficial way. Following further discussion, it was decided that Mr. Criss would draft a letter that addresses opportunities and benefits of corrective timber management to justify why timber and logging should be included as an accepted Agricultural Maintenance Activity and thus exempt from the Bill. *Please note the Montgomery Soil Conservation District agreed to forward this letter to the Council on behalf of the agricultural community.*

Update on New Appointments to the AAC

Gary Marx needs to let Executive staff know he is interested in reappointment, otherwise the County Executive's staff will recommend conducting interviews with other non-farmer applicants.

Discussion on the Montgomery County 2011 Bridge Inventory Meeting 26th of February

The AAC was briefed on the Bridge Waiver Process: vehicles which have a gross weight exceeding a bridge's weight limit shall not cross a bridge unless a waiver is issued by the Montgomery County Department of Transportation-DOT. The waiver must be obtained at least three weeks before the anticipated crossing. The process for requesting a waiver seemed impractical. As a solution, the AAC recommended an annual waiver process by which one could apply for a waiver that would last a calendar year. DOT seemed receptive to the annual waiver process but asked for help getting support on another bridge-related issue. The DOT wants to replace 2 bridges on White's Ferry Road. In order to do so, they will need to close the road for 11 weeks in 2014 to replace the old bridges with pre-fabricated bridges. The pre-fabrication of the bridges would reduce the amount of time they would need to close the road. The AAC was asked to help garner support from the agricultural community to close the road for 11 weeks. In return, the DOT would be willing to consider the annual waiver for bridge crossings.

The AAC discussed the idea of closing White's Ferry Road for 11 weeks in 2014 and moved to publicly support the proposed road closure and the installation of the pre-fabricated bridges. (*Stabler, Woodruff*)

Information on Solar for Agri-business

A letter discussing opportunities for using solar energy in agri-business was presented to the AAC.

New Farmer Pilot Project

The AAC was given a quick update on the New Farmer Pilot Project. The project has 30 applicants who have been going to training courses led by University of Maryland Extension's Chuck Shuster. The training courses have been well received by those in attendance. Two of the applicants are working closely to secure leases with property owners to start production this spring.

After reviewing upcoming meetings and events, the Meeting was adjourned at 8:50 pm.